



# City of Santa Barbara

## PLANNING COMMISSION

### MINUTES

### MARCH 8, 2018

1:00 P.M.  
City Hall, Council Chambers  
735 Anacapa Street  
[SantaBarbaraCA.gov](http://SantaBarbaraCA.gov)

#### COMMISSION MEMBERS:

Lesley Wiscomb, *Chair*  
Sheila Lodge, *Vice Chair*  
John P. Campanella  
Jay D. Higgins  
Mike Jordan  
Deborah L. Schwartz  
Addison Thompson

#### STAFF:

N. Scott Vincent, Assistant City Attorney  
Beatriz Gularte, Senior Planner  
Krystal M. Vaughn, Commission Secretary

---

#### CALL TO ORDER

Chair Wiscomb called the meeting to order at 1:00 p.m.

#### I. ROLL CALL

Chair Lesley Wiscomb, Vice Chair Sheila Lodge, Commissioners Jay D. Higgins, Deborah L. Schwartz, and Addison Thompson

Absent: Commissioners John P. Campanella and Mike Jordan

#### STAFF PRESENT

N. Scott Vincent, Assistant City Attorney  
Andrew Stuffer, Chief Building Official  
Beatriz Gularte, Senior Planner  
Curtis Harrison, Senior Plans Examiner  
Tony Boughman, Assistant Planner  
Krystal M. Vaughn, Commission Secretary

#### II. PRELIMINARY MATTERS

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items:

No requests.

B. Announcements and appeals:

Ms. Gularte announced that the Planning Commission meeting of March 15 is cancelled, and the next Commission meeting will be on April 5, 2018.

C. Comments from members of the public pertaining to items not on this agenda:

No public comment.

### III. APPEAL ITEM

**ACTUAL TIME: 1:01 P.M.**

**APPEAL OF JARRETT GORIN, AGENT FOR NICK FOSTER, PROPERTY OWNER, OF THE CHIEF BUILDING OFFICIAL'S DECISION RELATIVE TO A BUILDING PERMIT WITHIN A SPECIAL FLOOD HAZARD AREA, 536 BATH STREET, APN 037-161-001, R-MH ZONE, GENERAL PLAN DESIGNATION: HIGH DENSITY RESIDENTIAL/PRIORITY HOUSING (MST2017-00806 & BLD2017-00883)**

This project was previously noticed for February 15, 2018 and was postponed to March 8, 2018. A Zoning Information Report in 2017 discovered unpermitted construction was done to the existing house, and a building permit was submitted for the unpermitted work, and for additional improvements. The 4,832 square foot subject site is developed with a one-story single residential unit with a basement, front porch, and rear landing. The Chief Building Official requested data from the applicant to determine if the project valuation constitutes a "Substantial Improvement" to the structure, which would require additional standards for flood hazard reduction, including elevating the lowest floor of the house above the base flood elevation. The Chief Building Official's decision to require additional Substantial Improvement data was appealed to the Planning Commission pursuant to Santa Barbara Municipal Code §22.24.140.B.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Facilities.

Contact: Andrew Stuffer, Chief Building Official  
Email: [AStuffer@SantaBarbaraCA.gov](mailto:AStuffer@SantaBarbaraCA.gov)

Phone: (805) 564-5470, ext. 5553

Tony Boughman, Assistant Planner, gave the Staff presentation, and was joined by Andrew Stuffer, Chief Building Official and Curtis Harrison, Senior Plans Examiner.

Jarret Gorin, Agent, gave the Appellant presentation.

Public comment opened at 1:34 p.m.

Rhonda Wheatley explained that she is the current owner of the property and has a vested interest in keeping her property safe. She stated that depending on the outcome of this hearing, she would like the opportunity to seek her own legal counsel as this conflict has become more of an issue than expected.

Public comment closed at 1:36 p.m.

Commissioner comments:

The majority of the Commission agreed that the additional information provided by the Appellant today in his presentation is sufficient and should be provided to the Building and Safety Division so that the Chief Building Official can render an informed and defensible decision.

Commissioner Wiscomb:

- The Commission was presented with new material by the appellant at the hearing that they are not in a position to evaluate. That evaluation should occur by the Chief Building Official and not by the Planning Commission.

Commissioner Lodge:

- The information presented in the Appellant's presentation is not sufficient, and it should be up to the Chief Building Official to make that determination.

**MOTION: Higgins/Thompson****Assigned Resolution No. 007-18**

Uphold the appeal and deny the Chief Building Official's decision to require additional valuation information to determine whether the project is a Substantial Improvement in a Special Flood Hazard Area with the comment that the Building and Safety Department is to utilize the expense information presented on the Appellant's slide titled "Substantial Improvement Determination" to make a Substantial Improvement determination.

The motion passed by the following vote:

Ayes: 3 Noes: 2 (Lodge, Wiscomb) Abstain: 0 Absent: 2 (Campanella, Jordan)

The ten calendar day appeal period was announced.

Chair Wiscomb and Commissioner Lodge could not support the motion because they did not agree that the Commission was in a position to decide on the adequacy of the information submitted by the appellant for concluding if a substantial improvement. They expressed that it should be up to the Chief Building Official to make that determination.

**IV. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 2:56 P.M.**

**A. Committee and Liaison Reports:**

**1. Staff Hearing Officer Liaison Report**

No report.

2. Other Committee and Liaison Reports

Commissioner Thompson reported on the the Historic Landmarks Commission meeting of March 7, 2018.

V. **ADJOURNMENT**

Chair Wiscomb adjourned the meeting at 2:58 p.m.

Submitted by,

  
\_\_\_\_\_  
Krystal M. Vaughn, Commission Secretary